Stephen Gardbaum argues that recent bills of rights in Canada, New Zealand, the United Kingdom and Australia are an experiment in a new third way of organizing basic institutional arrangements in a democracy. This 'new Commonwealth model of constitutionalism' promises both an alternative to the conventional dichotomy of legislative versus judicial supremacy and innovative techniques for protecting rights. As such, it is an intriguing and important development in constitutional design of relevance to drafters of bills of rights everywhere. In developing the theory and exploring the practice of this new model, the book analyses its novelty and normative appeal as a third general model of constitutionalism before presenting individual and comparative assessments of the operational stability, distinctness and success of its different versions in the various jurisdictions. It closes by proposing a set of general and specific reforms aimed at enhancing these practical outcomes.

Stephen Gardbaum is the MacArthur Foundation Professor of International Justice and Human Rights at the University of California, Los Angeles (UCLA) School of Law. His research focuses on comparative constitutional law, constitutional theory, and federalism.
The aim of this series is to produce leading monographs in constitutional law. All areas of constitutional law and public law fall within the ambit of the series, including human rights and civil liberties law, administrative law, as well as constitutional theory and the history of constitutional law. A wide variety of scholarly approaches is encouraged, with the governing criterion being simply that the work is of interest to an international audience. Thus, works concerned with only one jurisdiction will be included in the series as appropriate, while, at the same time, the series will include works which are explicitly comparative or theoretical – or both. The series editors likewise welcome proposals that work at the intersection of constitutional and international law, or that seek to bridge the gaps between civil law systems, the US, and the common law jurisdictions of the Commonwealth.

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THE NEW COMMONWEALTH MODEL OF CONSTITUTIONALISM

Theory and Practice

STEPHEN GARDBAUM
For Laura
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ACKNOWLEDGEMENTS

This book grows out of, but substantially develops, my previous thinking and writing on ‘the new Commonwealth model of constitutionalism’. Its immediate origins were three invitations I received during the course of 2009. In February, Hilary Charlesworth of the Australian National University invited me to deliver a presentation on how the new Commonwealth model was working in Canada, New Zealand and the United Kingdom at the Protecting Human Rights Conference to be held that October in Sydney in the midst of the national debate on whether Australia should enact a federal human rights act. As it turned out, the conference took place the day before the National Consultation Committee, established by the Labor Government of Kevin Rudd and chaired by the attending Father Frank Brennan, was expected to release its eagerly awaited recommendation and report. In response to the second invitation, issued by Lorraine Weinrib, I presented the resulting paper at the University of Toronto Law Faculty’s Constitutional Round Table in December, where David Dyzenhaus encouraged me to think about writing a book on the topic and submitting a proposal for his new Cambridge Studies in Constitutional Law series, co-edited with Adam Tomkins. I am very grateful to all three.

I should also like to express my gratitude to the John Simon Guggenheim Foundation for appointing me as the 2011 Fellow in Constitutional Studies and to the Dorothy Tapper Goldman Foundation for supporting this fellowship, which made it possible for me to complete this book. Equally essential was the moral and financial support of my Dean at UCLA School of Law, Rachel Moran, enabling me to take a research leave during the Fall 2011 semester. For part of this time, New York University School of Law was kind enough to provide me with an office. Also at UCLA, the superb library and research infrastructure was, as ever, invaluable. Thanks, in particular, to Terry Stedman for excellent and painstaking research assistance.

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Many of the arguments made in the book were improved as a result of responding to, and thinking further about, questions and comments from audiences during my presentations at the Regulatory Networks Faculty seminar at ANU, the University of Melbourne Centre for Comparative Constitutional Studies, the above-mentioned Constitutional Round Table at Toronto, the Cardozo/NYU I-CON Colloquium on Global and Public Law Theory, the University of Chicago Law School Constitutional Law Workshop, the 2010 Law and Society Association Annual Meeting, the UCLA School of Law International Human Rights Programme workshop, the Comparative Constitutional Law Round Table at George Washington University Law School and Indiana University’s Center for Constitutional Democracy. Thanks to the following for organising these events: Hilary Charlesworth, Carolyn Evans, David Fontana, David Kaye, Mattias Kumm, Michel Rosenfeld, Ed Santow, Miguel Schor, Adrienne Stone, David Strauss, Joseph Weiler, Lorraine Weinrib and Susan Williams.

Over the period of time I have been working on this book, I have benefited from wonderful conversations and discussions with, and suggestions about both substance and sources from, Bruce Ackerman, Aharon Barak, Samantha Besson, Sujit Choudhry, Rosalind Dixon, Janet Hiebert, Bruce Howard, Grant Huscroft, Máximo Langer, Paul Rishworth, Seana Shiffrin, Kent Roach, John Tobin, Adam Tomkins, Mark Tushnet and Alison Young.

Finally, I should like to acknowledge those friends and colleagues who took the time and trouble to provide such helpful and valuable feedback on previous drafts of the book, in part or whole: Petra Butler, Lawrence Douglas, Jeremy Gans, Grant Huscroft, Vicki Jackson, Tsvi Kahana, Chris McCrudden, Michael Perry, Seana Shiffrin, John Tobin and Alison Young. To each, my heartfelt thanks.